

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

JAMES W. SEAMAN, SP 2012-PR-029 Appl. under Sect(s). 8-914 and 8-922 of the Zoning Ordinance to permit reduction in minimum yard requirements based on error in building location to permit deck to remain 7.0 ft. from side lot line and accessory structure to remain 4.9 ft. from side lot line and 3.2 ft. from rear lot line and second accessory structure to remain 6.9 ft. from rear lot line and 6.6 ft. from side lot line and to permit reduction of certain yard requirements to permit construction of addition 15.8 ft. from front lot line and 7.8 ft. from side lot line. Located at 2759 Marshall St., Falls Church, 22042, on approx. 6,250 sq. ft. of land zoned R-4 and HC. Providence District. Tax Map 50-2 ((4)) 6. Mr. Hammack moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on July 25, 2012; and

WHEREAS, the Board has made the following findings of fact:

1. The applicant is the owner of the property.
2. The Board has a favorable staff recommendation and generally adopts the rationale set forth by the staff.
3. With respect to the items required under Sect. 8-914, the applicant has satisfied Requirements A through G set forth thereunder.
4. The deck was granted a building permit years ago.
5. The two accessory structures are really part of the issue here.
6. Both while deemed accessory structures, one is a play set and one is a trampoline.
7. Both of them are pulled back from the rear and side lot lines an adequate distance.
8. Only a foot or a part of those structures require this application be made.
9. The Board did not feel the reduction will impair the purpose and intent of the Ordinance or be detrimental to the use and enjoyment of other property in the immediate vicinity, or create unsafe conditions with respect to both other property and public streets.
10. It satisfies the other sections of the Ordinance.
11. Under Sect. 8-922, the Board determined that the applicant has met the six subsections set forth thereunder.
12. In particular, this one is really the removal and just simply enlargement of an existing front porch, which ought to add to the value of the property and enhance the property.

THAT the applicant has presented testimony indicating compliance with Sect. 8-006, General Standards for Special Permit Uses, and the additional standards for this use as contained in the Zoning Ordinance. Based on the standards for building in error, the Board has determined:

- A. That the error exceeds ten (10) percent of the measurement involved;
- B. The non-compliance was done in good faith, or through no fault of the property owner, or was the result of an error in the location of the building subsequent to the issuance of a Building Permit, if such was required;
- C. Such reduction will not impair the purpose and intent of this Ordinance;
- D. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity;
- E. It will not create an unsafe condition with respect to both other property and public streets;
- F. To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner; and
- G. The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.

AND, WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

- 1. That the granting of this special permit will not impair the intent and purpose of the Zoning Ordinance, nor will it be detrimental to the use and enjoyment of other property in the immediate vicinity.
- 2. That the granting of this special permit will not create an unsafe condition with respect to both other properties and public streets and that to force compliance with setback requirements would cause unreasonable hardship upon the owner.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED**, with the following development conditions:

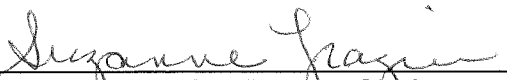
- 1. This special permit is approved for the location and size of the roofed porch, play structures and deck, as shown on the plat prepared by Alterra Surveys, Inc., dated February 20, 2012, revised through April 14, 2012 and sealed April 17, 2012, as submitted with this application and is not transferable to other land.
- 2. The roofed porch shall be generally consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Mr. Byers seconded the motion, which carried by a vote of 7-0.

A Copy Teste:


Suzanne Frazier, Deputy Clerk
Board of Zoning Appeals

Phoenix Home Services
9141 Schoolcraft Lane
Burke, VA 22015
703-725-7945

No.	Revision / Issue	Date
01	Start Change	9-23-11

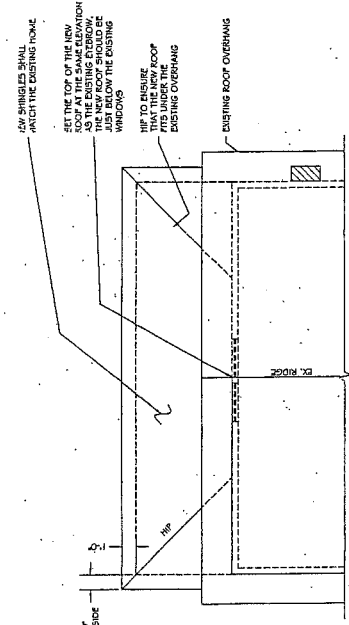
The Seaman Residence
2759 Marshall Street
Falls Church, VA 22042

RECEIVED
Department of Planning & Zoning
SEP 28 2011
Zoning Enforcement Bureau

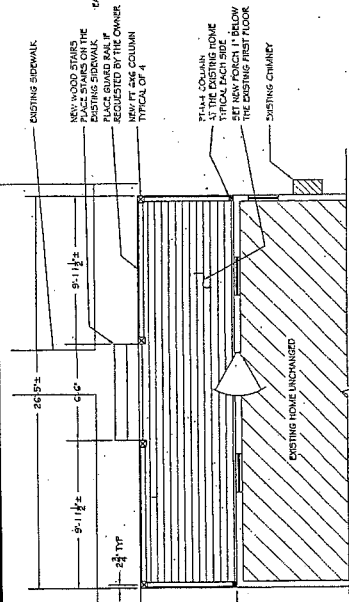
New Front Porch

Drawn By: RAW
Date: 3-10-11
Scale: As Noted

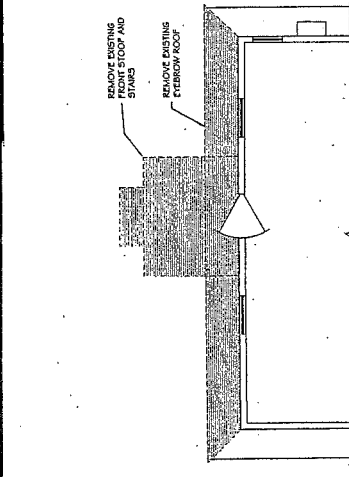
A1



Roof Plan
Scale: 1" = 1'-0"

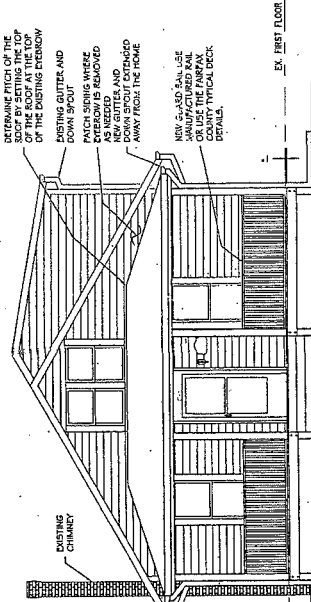


Front Porch Plan
Scale: 1" = 1'-0"

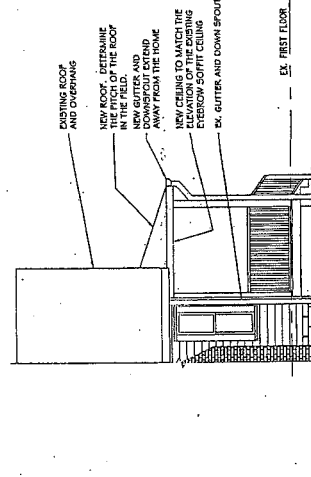


Demolition Plan
Scale: 1" = 1'-0"

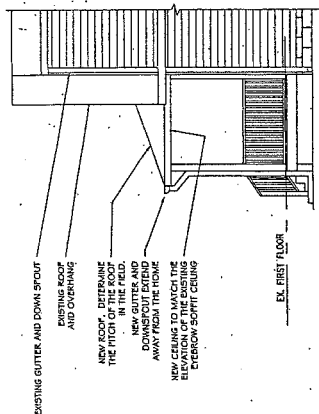
- NOTES:
1. CONTRACTOR SHALL LAYOUT TO THE STAIRS IN THE FIELD TO CONFORM TO THE EXISTING SIDEWALK AND STAIRS. THE EXACT NUMBER OF RISERS AND TREADS AND ADJUST THE LAYOUT ACCORDINGLY.
 2. SEE THE PANFAN COUNTY TYPICAL DETAILS FOR ITEMS NOT SHOWN ON THESE PLANS.



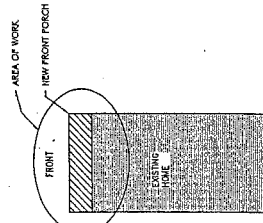
Left Elevation
Scale: 1" = 1'-0"



Front Elevation
Scale: 1" = 1'-0"



Right Elevation
Scale: 1" = 1'-0"



Key Plan
Scale: NTS